The paper was presented at the 5th Hindu Advocates Conference
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Judicial Pronouncements and Legislative Enactments, That have Bearing on the Hindu Rights

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Introduction: The judiciary of India has so been secularized that perhaps an unfortunate stage has reached to discuss about the rights of Hindus, instead of Indians. No doubt, the Constitution of India provides Fundamental Rights to all Indians with Directive Principles of State Policy and with added fundamental duties. But, why then, judicial pronouncements and legislative enactments should affect Hindus? If the secular principles are followed without any bias, then there is no need for any Indian to talk about judicial discrimination. On the other hand, the demand for the rights of Hindus has been immediately dubbed as "communal" and promoting "communalism"[1]. And the Supreme' Court erred in concluding that *Hindutva* constitutes a way of life.[2] The so-called "Hindutva" judgment provoked many in 1995. In *Manohar Joshi v. Nitin Bbaurao Patil*[3] and eleven other cases[4] (collectively known as the "Hindutva" cases), the Supreme Court of India delivered a mixed message to the cause of secularism.

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[1] Communalism has been defined as a discourse based on the "belief that because a' group of people follow a particular religion they have, as a result, common social, political and economic interests." Bipan Chandra, Communalism in Modern India 1 (1984). Communalism is a discourse that attempts to constitute subjects through communal attachment, particularly through religious community. The construction of communal identities-most notably, Hindu and Muslim-has been a central characteristic of the modern Indian polity, and continues to be an overwhelmingly important source of political fragmentation. Through communal discourse, subjects come to understand the world around them as one based on the conflict between religious groups, and Indian society is understood ro be fractured by the conflict between these groups.

[2] Cossman, Brenda, and Ratna Kapur. "***Secularism's Last Sigh: The Hindu Right, the Courts, and India's Stuggle for Democracy.***" *Harv. Int'l. LJ* 38 (1997): 113.

[3] *Manohar Joshi* ". *Nitin Bbaurao Patil,* 1995 ·S.C.A.LE. 30.

[4] The orher cases were, -

Prabhoo v. Prabhakar Kasinath Kunte et al., 1995 S.C.A.L.E. 1;
Bal Thackeray u.Sbri Prabhakar Kasinatb KJmteet al., 1995 S.C.A.L.E. 1;
Ramchandra G. *Kapsev..Haribansb Ramakbal Singh,* 1995 .S.C.AlE. 60;
Pramod Mahajan v. Haribansb.Ramabbal Singh' & *Anr.,* 1995 S.C.A.L.E. 60;
Sadhvi Ritambhara v. Haribansh Ramakbal Singh & *Anr.,* 1995· S.C.A.L.E. 60;
Ramakant Mayekar v. Smt. Celine D'Silva & *Anr.,* 1995 S.C.A.L.E.,72;
Chhagann Bbujbal« Smt. Celine D'Silva & *Anr.,* 1995 S.C.A.LE. 72;
Balasaheb Thackeray v. Smt.Celine-D'Siloa & *Anr.,* 1995 S.C.A.L.E. 72;
Moreshwar Save v. Dwarkadas YashwantraoPathrikar,
1995 S.C.A.LE. 85; *Chandrakanta Goyal v. Sohan Singh Jodh Singh Kohli,* 1995 S.C.A.L.E. 88;
Sbri Surryakant Venkatrao Mahadik v. Smt. Saroj Sandesh Naik, 1995 S.C.A.L.E. 92.

Why Judicial Pronouncements and Legislative Enactments should Affect Hindus? The very proposition of the title suggests that such exigency must have been only due to the discriminative, partial, preferential and selective judicial activism adopted and adapted by the connected legal professionals with due political interference in the discharge of duties of judges and the Hindus have been sleeping without caring for their rights. The mild, meek and indifferent Hindus are now in proverbial slumber and stupor. They have also been uncomfortable, worried and painful about the criticism mounting against them in the name of "secularism." Yet, some of them have to point out that the judgments affect their rights.

Family Laws in India: As for as Hindus are concerned, the family laws have been secularized and codified during 1955-56, but that of Muslims, Christians and other non-Hindu religious groups have been untouched. Why secularization and codification of non-Hindus are not thought about? Even, if it is mentioned, why no legal luminary or celebrity comes out openly for such move?

The Muslims are not bothered about the secularization and codification of their laws, but, when representation of women is talked about, immediately, reservation based on religion is demanded vociferously.

The 1985 Shaw Bano case and 1995 Mary case have not awakened the respective women to fight for their cause through Common Civil Code, instead, they are warned not to fall in the trap of Article 44.

Uniform Civil Code: Though much has been written about Uniform Civil Code, the secularists continue to assert that unless the Muslims accept it, it will not be imposed on them! The general argument put forward in this regard is that Indian women do not have anything in common and therefore, the UCC cannot be enacted. Again, the Muslim scholars argue that Islam alone has given all rights to Islamic women than any other religion. It may be noted that any body will demand for a right or privilege only, when it is not there. If it has been there, he or she will not ask. That Muslim women now want to enter mosques proves that they have been denied so far even at the end of 21st century!

That Indian politician as a part of their secular agenda has never wanted to think about a UCC, as has been pointed out many times, even by Muslim intelligentsia.

M. C. Chagla[5], long back wondered:

> "***Consider the attitude of the government to the question of a Uniform Civil Code. Although the Directive Principles of State Policy enjoy such a code, the government has refused to do anything about it on the plea that minority will resent any attempt at imposition. Unless they are agreeable, it would not be fair and proper to make law applicable to them. I wholly and***

[5] M. C. Chagla, ***Roses in December***, 1984, p.85.

> ***emphatically disagree with this view. The Constitution is binding on everyone., majority or minority. Jawaharlal Nehru showed great strength and courage in getting the Hindu Reform Bill passed, but accepted the policy of laissez faire when Muslims were concerned. I am horrified to find that in my country, while monogamy has made the law for the Hindus, Muslims can still indulge in the luxury of polygamy. It is an insult to womanhood, and Muslim women. I know, resent this discrimination between Muslim women and Hindu women***"

This was the feeling in 1984 or before about UCC. The same tone is conveyed in a judgment recently in Sarla Mudgal vs Union Of India – AIR 1995 S.C 1531 by the Supreme Court. The important points are:

"***It appears that even 41 years thereafter, the Rulers of the day are not in a mood to retrieve Article 44 from the cold storage where it is lying since 1949……when more than 80% of the citizens have already been brought under the codified personal law there is no justification whatsoever to keep in abeyance, anymore, the introduction of "Uniform Civil Code" for all citizens in the territory of India*** (para.1).

After briefing the historical position of personal laws, it is mentioned:

"***…….Those who preferred to remain in India after the partition, fully knew that the Indian leaders did not believe in two-nation or three nation theory and that in the Indian Republic there was to be only one Nation-Indian Nation-and no community could claim to remain separate entity on the basis of religion……The Legislation –not religion-being the authority under which personal laws was permitted to operate and is continuing to operate, the same can be suppressed / supplanted by introducing a uniform civil code……. (para.35).***

"Much misapprehension prevails about bigamy in Islam. To check misuse many Islamic countries have codified the personal law, "wherein the practice of polygamy has been totally prohibited or severely restricted (Syria, Tunisia, Morocco, Pakistan, Iran, The Islamic Republic of Soviet Union are some of the Muslim countries to be remembered in this context)……Therefore, a unified code is imperative both for protection of the oppressed and promotion of national unity and solidarity……(para.45).

"The Government may also consider feasibility of appointing a committee to enact Conversion of Religion Act, immediately to check the abuse of religion by any poerson. The law may provide that every citizen who changes his

religion cannot marry another wife unless he divorces his first wife. The provision should be made applicable to every person……(para.46).

It may be noted that this is not the first time that the Supreme Court has reminded about the Art.44, in the following cases also, it has regretted that Art.44 has so long remained a dead letter and recommended early legislation to implement it:

Jorden vs Chopra – AIR 1985 S.C 935 (para.7).
Ahmed Muhammed Khan vs Shah Bano – AIR 1985 S.C 945 (para.35).

The Supreme Court ordered that the divorced Muslim women should be paid alimony in the case of Shah Bano case. But the Rajiv Gandhi government enacted Muslim Women Protection (Divorce) Act, 1986 exempting from the provision of the Section 125 of CrPC!

Conversion and Reservation: In the case of vociferous demand for extension of reservation to the converted S. C. Christians, much falsehood has been spread by the so called intelligentsia, apologetic writers and propagandist journalists. Without mentioning the Supreme Court judgment in the case of Soosai vs UOI or as if such judgment does not exist, they continue to write about the "discrimination of Dalit Christians". It is totally wrong to allege that "discrimination on religious grounds" entered in the Presidential Order, 1950 for the "Scheduled Castes".

The Supreme Court has clarified in the case of State of Kerala vs Thomas – AIR 1976 S.C 490 that a Scheduled Caste is not a "Caste" within the meaning of that word in Arts.15(1) and 16(2). It has a special meaning, namely, a caste as notified by the President under Art.366 (24) – Bhaiyalal vs Karikishen – AIR 1965 S.C 1557.

Art. 366 (24) says; "Scheduled Castes" means such castes, races or tribes or parts or groups within such castes, races or tribes as are deemed under Art.341 to be Scheduled Castes for the purposes of this Constitution.

According to Art.341, the President may, with respect to any State or Union Territory, and where it is a State……after consultation with the Governor …….thereof, by public Notification, specify the castes, races or tribes or parts of groups within castes, races or tribes shall for the purpose of this Constitution be deemed to be Scheduled Castes in relation to that State or Union Territory, as the case may be. Thus, the list of Scheduled castes is now contained in the Constitution (Scheduled Caste) Order, 1950, as amended by the Scheduled Castes and Scheduled Tribes (Amendment) Act, S.41 of the State Reorganization Act, 1956 and the Punjab Reorganization Act, 1956.

As Hindu laws have been secularized by codifying, they are for the social reform of Hindus only. The reservation to certain categories has also been introduced to reform the Hindu society. Art.15 (1) has to be read along with the present Art.341. If therefore, the President specifies only Hindus amongst the Bawaria caste so that the Sikh Bawarias are denied the privileges enjoyed by members of Scheduled Caste, the President's Order cannot be challenged as contravening Art.15(1), for having

excluded members of the Bawaria caste who professes the Sikh religion – Gurumukh vs UOI – AIR 1952 Puj.143.

The Supreme Court has categorically pronounced in the case of Soosai vs UOI – AIR 1986 S.C 733 that the converted SC cannot get the benefit of reservation.

"*……it cannot be disputed that the caste system is a feature of Hindu social structure. It is a social phenomenon peculiar to Hindu society. The division of Hindu social order by reference at one time to professional or vocational occupation was moulded into structural hierarchy which over the centuries crystallized into a stratification where the place of the individual was determined by the birth (para.7).*

"During the framing of the Constitution, the Contituent Assembly recognized "that the Scheduled Castes were a backward section of the Hindu society who were handicappred by the practice of untouchability", and that "this evil practice of untouchability was not recognized by any other religion and question of any Scheduled Caste belonging to a religion other than Hinduism did not therefore arise". B. Shivaji Rao: the framing of India's Constitution: A Study, p.771 (para.7).

"It must be remembered that declaration incorporated in paragraph 3 (of the Constitution (Scheduled Caste) Order, 1950) deeming them to be the members of the Scheduled Caste was a declaration enjoyed by clause (1) of Art.341 of the Constitution (para.8).

"To establish that paragraph 3 of the Constitutional (Scheduled Castes) Order, 1950 discriminates against Christian members of the enumerated castes, it must be shown that they suffer from comparable depth of social and economic disabilities and cultural and educational backwardness and similar levels of degradation within the Christian community necessitating intervention by the State under the provisions of the Constitution (Ibid).

"It is not sufficient to show that the same caste continues after conversion. It is necessary to establish further that the disabilities and handicaps suffered from such caste membership in the social order of its origin-Hinduism-continue in their oppressive severity in the new environment of a different community (Ibid).

"It is therefore, not possible to say that the President acted arbitrarily in the exercise of his judgment in enacting paragraph 3 of the Constitution (Scheduled Caste) Order, 1950" (Ibid).

The Court dismissed the connected petition dealing with the above issue and also another proceeded substantially on the same grounds sought relief against a Circular issued by the Tamilnadu government to the TNPSC stating that "Scheduled caste" Christians who revert to Hinduism and on that basis obtain appointments to reserved seats in Government services, and having done so change their religion once again after their entry into Government service are liable to have their selection cancelled (para.9).

The Court has many times categorically pronounced that they can again claiom SC status by converting back themselves into Hinduism in the following judgments:

Arumugam vs Rajagopal – AIR 1976 S.C 937 (p.17)
Principal vs Mohan AIR 1976 SC 1904 (paras.5-7) C.B etc.

Therefore, suppressing all these judgments, the propaganda carried out aboiut the discrimination definitely amounts to working against the judgments with scant regard for the Supreme Court.

Some Judgments Dealing with Age-old Practices:

- ☪ AIR 1981 SC 2198 – Gulam Abbas vs State of UP (on age-old practices)

A community entitled to certain customary rights – As for as possible attempt should be made to regulate those rights and not prohibit all together (about the performance of various rites by Shias, which are opposed by Sunnis).

- ॐ AIR 1990 Calcutta 336 – Acharya Jagdiswarananda Avadhuta & Another vs Commissioner of Police.

The Ananda Margis have a right to perform Tandava dance and the police authorities have no jurisdiction to impose ban on such a dance (para.36).

If the sword is allowed in the processions of Muslims, that event, a small knife for show in one hand and a skull in another hand which is used for the purpose of performing such a dance, cannot be said to be prohibited under the same Act (p.35).

These judgments amply prove that Hindu processions cannot be banned and if banned in any State, immediately, Hindus can take up the issue in the court of law.

- ⇔ AIR 1995 SC 605 – M. Ismail Faruqi vd UOI

Secularism, Right to freedom of religion and Right to Equality have been discussed at length (para.31-40).

- ⇔ AIR – 1994 SC 1918 – S. R. Bommai vs UOI

Secularism under the Constitution has been discussed at length in paras 24-29, 88, 124, 165, 237, 240, 241.

⇔ AIR 1983 SC 1 – S.C. Mittal vs UOI

Laws can be made regulating the seculasr affairs of temples, mosques and other places of worships and maths.

A recent judgment has also been pronounced on the same lines: "Public Hindu temples have secular and religious components fall in the secular area. Hence, legislative or ruling politicians can enact a law to ensure that management is conducted to consonance with the principles of the Constitution. Such management is not the property of hereditary of mahants, pandas or archakas".

ॐ AIR 1995 SC 2089 – Brahmachari Sidheswar Shai vs State of west Bengal

The Supreme court discussed at length about the features and characters of Hinduism and held that the so called "Ramakrishna religion" is only Hindu and not "non-Hindu minority" as decided by the Calcutta High Court earlier.

After Manohar Joshi Hindutwa judgment in 1995, there had been much hue and cry that the Supreme Court had been indulging in pronouncing pro-Hindu judgments. Marxist historians like Romila Thapar immediately announced that "they were upset by the judgment and going on appeal against it" and others made a plea that it should be reviewed based on S. R. Bommai case. Some others argued it should go to higher bench, as it was a three-judge judgment.

Terrorism and Hindus: It may not be exaggerated to say that Hindus have been affected more without knowing what was happening to them, because of the terrorist activities, as Indian terrorism is entirely different from other forms of terrorism openly nurtured by the religious fundamentalists, pampered by political godfathers and fostered by the criminals. Some legal circles hailed that one of the major developments in 1995 was the lapse of infamous Terrorist and Disruptive Act, 1985 (TADA). Orchestrated propaganda was carried out to create opinion against with external pressure brought on Indian government to repeal the Act. The National Security Act (NSA), 1980, the Armed Forces (Special Powers) Act, 1958, The Jammu & Kashmir Public Safety Act, 1978, the Jammu and Kashmir Disturbance Act, 1990 and there are so many other allied acts. But, these acts are made ineffective, as anti-national forces unfortunately working under different banners continued to create impression that the affected people ar only Muslims i.e, terrorist and offending forces inspired by fundamentalism and fanaticism. Thus, the human rights of terrorists are always talked about and the rights of people affected by such terrorists ignored totally. Perhaps, this kind of situation can prevalent only in India and hence Indians, specifically Hindus are living as refugees, whereas actual refugees are either accommodated with the concept of ***Lebsensarum***[6] or getting citizenship with the help of politicians thriving on vote banks[7].

[6] Lebensraum is a German concept of expansionism and Völkisch nationalism, the philosophy and policies of which were common to German politics from the 1890s to the 1940s. First popularized around 1901, Lebensraum became a geopolitical goal of Imperial Germany in World War I (1914–1918), as the core element of the September programm of territorial expansion. The most extreme form

Indigenous People, India and Hindus: it is unfortunate to note that even the UN and its organs have always been against Indian interests. One of such acts is identified by its declaration of 1993 year as the year of Indigenous People and inviting such groups to UN to present papers. They started harping that the Government of India has consistently refused to equate and declare Scheduled Castes mischievously defined as "tribe" by UN related agencies like the World Bank. It may be noted that the issues of Self-determination, Forests, Deforestation etc., have been subject matter of every nation, where such problem prevails. Linking one wit the other and interpreting differently in various contexts cannot be the reality of issues dealt with. Thus, it is evident that the main plan behind all these activities is to declare that the 60 million trial people of India have "distinct social, economic, political and territorial identities", thereby bringing all SC and STs under "Dalit" banner including converted Christians and Muslims[8]. They have also been propagating the correlative hypothesis that there are only 15% Hindus in India and all others are non-Hindus categorized as – BC, MBC, SC, ST, Minorities who constitute 85%.

Lack of Legal Consciousness among Hindus: Legal consciousness need not be solely a special character of Judges, advocates and legal professionals, but should form part and parcel of every thinking Hindu. Hindus should adopt the ancient law to the progressive modern conditions[9]. The socio-legal impact of the pious obligation doctrine is not consistent with the modern jurisprudencial trends in the field of proprietary jurisprudence[10]. It is a social consciousness like moral, political, philosophical and others. Though, there have been so many judgments, Hindus have been very often restricted to vent out their feelings and genuine and reasonable grievances. Many times, they have lost and still loose golden opportunity, where they could have taken the judiciary task for violating their very basic fundamental rights. As they have been so lethargic and indifferent, they have never gone to the Courts and therefore, they have not learned the method of using the available course of legal remedy for their problems.

Legal Ideology against Hindus: in present system, legal system and judiciary have been ideologized with some predetermined notions and ideas formed against Hindus. Instead of safeguarding the interests of Hindus with the positive legal responsibility leading to legal reality, more and more harm is done in the name of secularism. Secularism has become a dominant legal doctrine that has affected the professional consciousness of law enacting and enforcing authorities. They have forgotten their

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of this ideology was supported by the Nazi Party and Nazi Germany, the ultimate goal of which was to establish a Greater German Reich. Lebensraum was a leading motivation of Nazi Germany to initiate World War II, and it would continue this policy until the end of the conflict.

[7] The continuous infiltration of the Bangladesh Muslims inside India, through west Bengal has been covered up and justified by the vote bank politics.

[8] Samata, CIRSRS, 73, Millers Road, Bangalore and the issues of Dalit Voice published from Bangalore by T. Rajasekhara Shetty, can be referred to biased and one-sided interpretation of the issues.

[9] Seshagiri Rao, K. L. "***Practitioners of Hindu law: ancient and modern***." *Fordham L. Rev.* 66.4 (1997): 1185-1193..

[10] Kumar, Vijendra. ***Basis and nature of pious obligation of son to pay father;s debt vis-a-vs statutory modification in modern law***, *Journal of the Indian Law Institute* 36.3 (1994): 339-355.

legal culture, legal heritage and legal traditions of India in blindly and profusely following alien jurisprudence and legal principles imposing on them.

As the state of legal consciousness in society, legality and legislation have been under ideology, they have never been useful to Hindus. Hindus have always been brainwashed with their moral values and patriotic principles to give up their rights. Though, many examples can be cited, one recent case is cited for easy remembrance. The Sriperumpudur Jeer has graciously and generously accepted to give away the temple land to Rajiv Gandhi Memorial by withdrawing his suit filed in the Court.

Ideology and Law: the Indian Constitution has been losing its originality and character because of perpetual interference resulting in amendments and indoctrination of ideology. India becomes suddenly "socialist secular" after 30 years of independence on January 3, 1977, by the 42nd amendment. That ideology is going to be injected in Indian jurisprudence has been revealed in the Statement of Objects and Reasons to the Constitution (42nd Amendment Act), 19765. It says that the object of inserting the expression "socialist secular" was to "…….spell out expressly the high ideas of socialism, secularism and the integrity of the nation" because, "……these have been subjected to considerable stresses and strains and vested interests have been trying to promote their selfish ends to the great detriment of public good" note how the key words of ideology have been used to explain.

D. D. Basu[11] has amply brought out as to how the "secular" provision has been made to "appease Muslim minorities". Here, the appeasement of Marxist-Leninist-Maoist is pointed out. The words "secular", "social" and "socialism" as expressed by the Supreme Court is too well known to be repeated here and therefore, they are analyzed to find out the background. Any Communist Dictionary[12], irrespective of their affiliation, defines, "Socialism is a system which comes into being as a result of socialist revolution setting off the transition from capitalism to communism". And it is followed by other conceptual definitions of private property, class exploitations, class struggle, revolution etc. perhaps, in this way grounds for revolution have been created to aid and abet communists[13].

Law and Indian Society: law is evolved in a society and such evolved law governs, regulates and controls society. As society is connected with its factors of culture, tradition, heritage and civilization, so also it is with the law. As law deals with people with psychosomatic urges, drives, ambitions and expectations to fulfill such factors, it cannot attain its purpose just being just or ideological subscribing to alien concepts, precepts and practices[14]. Law students are thoroughly indoctrinated with Thomas Paine like disparagement against Indian legal system, so that they have little regard or sense or consciousness about it. Then comes campus campaigns with the dosage of modernism, rationalism etc. Junior-ship reveals the "group ideology" for survival for any young law graduate. Actual practicing moulds him into practical legal ideologist than practicing advocate, as is evident from political and ideological oriented associations.

[11] D. D. Basu, ***Shorter Constitution of India***, Prentice-Hall of India, New Delhi, 1994, pp.3-5.
[12] I. Povlov (Ed.), ***Dictionary of Scientific Communism***, Progress Publishers, Moscow, 1985.
[13] Sergel Alexeyev, ***Socialism and Law***, Progress Publishers, Morcow, 1990.
[14] State of Human Rights in India, Legal Resources for Social action, Chingleput – 603 002.

Modern Slogans, Ideologies and Hindus: Hindus could not cope up with the modern day changes in ideologies, as they are not fit for ideological struggle to counter the psychological warfare launched against them. Human Rights, Women Rights, Children's Rights, Indigenous People, Self-determination, Environment, AIDS, Prison Reform and such other topics are dealt with by even rabid fundamentalist, communal and fanatic groups hiding their colours under the same slogans. Many national and international forums, media and academic institutions are used to promote such ideas and influence others to project that the Hindu society has been conservative, medieval and not progressive. But, most of the Hindus are either not aware of them or lethargic enough to ignore them, as if they are not concerned to them. By that time, they wake up to realize the position, much harm would have already been done tarnishing the image of the Hindu society.

Conclusion: In view of the above submitted facts, Hindus should inculcate legal consciousness at least now, to know about their rights and so that they can fight for the rights when they are trampled with ideological forces. Hindus have to fight for their cause legally, as all concepts of society have been ideologized to hoodwink them with sophisticated terminology. It is not enough for Hindus to be talking about their past, as their present has already been alienated from them without their knowledge and future is rested on uncertainty. Therefore, Hindu legal professionals and luminaries should help, guide and take them to achieve their minimum goals.

1. The fundamental rights guaranteed under the Constitution should be made applicable to all Indian citizens without any discrimination.
2. The criticizers, attackers and other categories of anti-Hindutva or secular varieties should deal with the social issues with equity, equality and equivalence without any bias, prejudice and impartiality.
3. The secularization of judiciary, legislation and law should be complete. If all are going for modernization, industrialization and globalization at one side, but sticking to fundamentalism, dogmatism and fanaticism at the other end, then, real secularism cannot be obtained.
4. In the context of modernization, industrialization and globalization, economic measures, taxation etc., claiming rights and privileges in the name of religion cannot bring any secularism.
5. The right, claim and entitlement should be linked to duty, liability and accountability.
6. Husband-wife, children, family, taking care of parents and dependents, property, and related issues only the starting point of most of the problems leading to court cases.
7. None could produce carbon copies, photocopies and stereotype categories with the application of judiciary, act and law, as two citizens are equal in all aspects. The hereditary and environmental factors expose such nuance.
8. The utopian society and egalitarian status cannot be achieved by mere guarantee, warranty and security, if a citizen is not willing or prepared to get such privilege.
9. Exemption, exception and immunity can be given, but, it cannot be made as a shield to violate the egalitarian and utopian principles
10. In short, the right of one citizen cannot violate the right of other citizen. Just like road rules, they have to follow.

